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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,286	10/16/2001	Rickie Boyd Bowden	034871-5001	2051
9629	7590	06/22/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			MCALLISTER, STEVEN B	
			ART UNIT	PAPER NUMBER
			3627	
DATE MAILED: 06/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,286

Applicant(s)

BOWDEN, RICKIE BOYD

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/19/2002
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 30 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 30 is non-statutory because it lacks a technological nexus (e.g., accomplishing a step via a computer).

It is noted that consistent with 35 USC 101, the term "system" throughout the application is interpreted as an apparatus.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the query inquiry/quotation means; forecasting means; sales order means; purchase order means; reporting means; adjusting means; query means; quote history means; cost/profit means; buying/selling means; receiving means; sales reporting means; zero adjusting means; inventory adjusting means; inventory query means; true inventory query means; work order query means; invoicing means; customer return means; vendor return means; transferring means; inspecting means; fabricating means; periodic interest billing means; transaction history means; repost means; reference means; invoice

summarizing means; application control means; application default means; sales and purchase memo means; a mainframe; first hardware having an inventory management means *and* sales management means; the inventory and sales management means on the first hardware comprising quoting means, forecasting means, sales ordering means, invoicing means, returning means, adjusting means, querying means, and reporting means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

It is noted that modules or logical entities shown on Fig. 1 do not appear to show any means for accomplishing the tasks, and appear to be at best software modules not associated with any tangible medium or computer.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 8-12 claims elements that do not appear to be part of the inventory system. A vendor return means (cl. 8) is recited, but no disclosed element of the system appears to be able to return the product to the supplier, as recited. A transferring means (cl. 9) is claimed, but no disclosed elements appears to actually transfer the item from yard to yard, as recited. An inspecting means (cl. 10) is disclosed, but no element appears to perform such an inspection. A fabricating means (cl. 11) is recited, but no disclosed element appears to be able to fabricate an item, a recited.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Several of the claims, including claim 1 use a "slashed" construction, such as "inquiry/quotation" in line two of claim 1. This construction is unclear and renders the claims indefinite. (see e.g., cls. 1, 2, 3, 23, 27)

Several of the "means" labels, such as "query means" in claim 1, appear inconsistent with their intended uses. For instance a query means for viewing, as opposed to a query means for finding or searching for; a "reference means" for capturing information (cl. 15); "invoice summarizing means" which actually appears to combine invoices; inspecting means of claim 10.

As used in the claims "transactions" is unclear. It is unclear whether it refers to purchases and sales, or transaction within the system. (cls. 1-29).

Claim 23 is indefinite because it is unclear what "validates the ... transactions into a format/content" means.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rembert (5,101,352) in view of Wong (6,343,275).

Rembert shows forecasting means; sales order means, purchase order means; reporting means; query means; and inventory adjusting means. Rembert does not explicitly show quotation means. Wong shows quotation means. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Rembert by providing quotation means in order to leverage the existing information for providing customer quotations.

As to claim 2 and 3, it is noted that Rembert in view of Wong show all elements.

As to claim 4, it is noted that Rembert shows inventory reporting means and Wong shows sales reporting, transaction reporting and purchase order reporting means. It also shows forecast reporting means comprising trend reporting means.

Alternatively, Rembert in view of Wong show all elements except forecast reporting. However, it is notoriously old and well known in the art to provide forecast reporting. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Rembert by providing forecast reporting means in order to enable viewing and understanding of upcoming product demand.

As to claim 5, it is noted that Rembert in view of Wong show all elements.

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As to claim 6, Rembert in view of Wong show all elements of the claim except location and transactions associated with an item. However, it is notoriously old and well known in the art to providing means for viewing the aspects of inventory. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Rembert by providing means for viewing location and transaction associated with items in order to better manage the inventory.

As to claim 7, Rembert in view of Wong shows invoicing means.

As to claim 8, Rembert in view of Wong show customer return means and Wong return means (see e.g., Wong par. 30).

As to claim 9, Rembert in view of Wong shows transferring means. (See e.g., Rembert Fig. 5).

As to claim 10, Rembert in view of Wong show all elements except a inspecting means for changing inventory condition. However, providing a means for updating the inventory database to reflect inventory condition is notoriously old and well known in the art. For instance, time in location or age is oftentimes tracked. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Rembert by providing such means in order to more accurately track the inventory.

As to claim 11, since Rembert in view of Wong do show processing something into a finished product, as understood by the examiner the combination shows all elements.

As to claim 12, Rembert in view of Wong show all elements of the claim except periodic interest billing means. However, it is notoriously old and well known in the art

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to provide such a billing means, for instance where items are held but not immediately delivered to the buyer. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Rembert by providing such a periodic interest billing means in order to recoup expenses related the items.

As to claim 13, Rembert in view of Wong provide a transaction history means.

As to claim 14, Rembert in view of Wong show a repost means. (See e.g., Inventory Adjustment Processing means of Rembert).

As to claim 15, Rembert in view of Wong show a reference means.

As to claim 16, Rembert in view of Wong show invoice summarizing means (see e.g., summarized invoice of Wong Figs. 40A, 40B).

As to claim 17, Rembert in view of Wong show all elements except application control means. However, it is notoriously old and well known in the art to provide different functionality at different sites (for instance, providing different functionalities for a warehouse, accounting department, and purchasing department). It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Rembert by providing application control means in order to restrict access to high level functionalities.

As to claim 18, Rembert in view of Wong show application default means. (see e.g., Rembert par. 30).

As to claim 19, Rembert in view of Wong show sales and purchase memo means capable of passing inventory information to a mainframe, such as email.

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As to claim 30, the apparatus of Rembert in view of Wong practices all steps of the claim.

Claim 20, and 26-29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rembert.

Rembert shows an inventory and sales management means; and an accounting means resident on hardware with an operating system. It does not show that the inventory and sales system is on one machine, that the accounting system is on another and that there is an interfacing means between. However, it is notoriously old and well known in the art to distribute a functionality of a computer system between two servers. It would have been obvious to one of ordinary skill in the art to do so in order to take advantage of the scalability of a multiprocessor system. It is noted that in providing two servers in communication, an interfacing means is between them is inherent.

As to claims 26 and 27, the apparatus of Rembert in view of the prior art inherently practices all steps of the claim.

As to claims 28-29, the apparatus of Rembert in view the prior art practices all elements of the claims.

Alternatively, as to claims 28-29, the apparatus of Rembert in view the prior art practices all elements of the claims except validating the data. However, it is notoriously old and well known in the art to do so. It would have been obvious to one of ordinary skill in the art to validate data in order to avoid corrupting the general ledger.

Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rembert in view of the well known prior art as applied to claim 20 above, and further in view of Wong.

Rembert shows forecasting means; sales ordering means; invoicing means; adjusting means; querying means and reporting means. It does not show quoting means or returning means. Wong shows these elements. It would have been obvious to one of ordinary skill in the art to further modify Rembert by providing quoting means and returning means in order to better provide customer service.

As to claim 22, an AR interface module, AP interface module and PO interface module are shown. (e.g., Fig. 2 of Rembert)

As to claims 23-25, the interface modules of Rembert in view of the well known prior art and Wong inherently practice all elements of the claim since they are necessary to accomplish in transferring the data.

Alternatively, as to claims 23-25, Rembert in view of the well known prior art and Wong show all elements of the claims except validating the data. However, it is notoriously old and well known in the art to do so. It would have been obvious to one of ordinary skill in the art to validate data in order to avoid corrupting the general ledger.

Conclusion

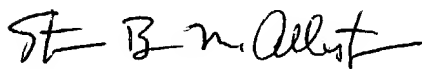
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven B. McAllister